



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

SB1810

Introduced 2/20/2015, by Sen. Terry Link

#### SYNOPSIS AS INTRODUCED:

20 ILCS 301/5-23

Amends the Alcoholism and Other Drug Abuse and Dependency Act. Provides that the following persons shall not, as a result of their acts or omissions, be liable for civil damages under the Department of Human Services' Drug Prevention Program: (i) a health care professional who, acting in good faith, directly or by standing order, prescribes or dispenses an opioid antidote to a patient who, in the judgment of the health care professional, is capable of administering the drug in an emergency; and (ii) a person who is not otherwise licensed to administer an opioid antidote but who is permitted under the Act to administer an opioid antidote in an emergency if the person has received certain patient information and believes in good faith that another person is experiencing a drug overdose. Effective immediately.

LRB099 00139 KTG 20139 b

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Alcoholism and Other Drug Abuse and  
5 Dependency Act is amended by changing Section 5-23 as follows:

6 (20 ILCS 301/5-23)

7 Sec. 5-23. Drug Overdose Prevention Program.

8 (a) Reports of drug overdose.

9 (1) The Director of the Division of Alcoholism and  
10 Substance Abuse may publish annually a report on drug  
11 overdose trends statewide that reviews State death rates  
12 from available data to ascertain changes in the causes or  
13 rates of fatal and nonfatal drug overdose for the preceding  
14 period of not less than 5 years. The report shall also  
15 provide information on interventions that would be  
16 effective in reducing the rate of fatal or nonfatal drug  
17 overdose.

18 (2) The report may include:

19 (A) Trends in drug overdose death rates.

20 (B) Trends in emergency room utilization related  
21 to drug overdose and the cost impact of emergency room  
22 utilization.

23 (C) Trends in utilization of pre-hospital and

1 emergency services and the cost impact of emergency  
2 services utilization.

3 (D) Suggested improvements in data collection.

4 (E) A description of other interventions effective  
5 in reducing the rate of fatal or nonfatal drug  
6 overdose.

7 (b) Programs; drug overdose prevention.

8 (1) The Director may establish a program to provide for  
9 the production and publication, in electronic and other  
10 formats, of drug overdose prevention, recognition, and  
11 response literature. The Director may develop and  
12 disseminate curricula for use by professionals,  
13 organizations, individuals, or committees interested in  
14 the prevention of fatal and nonfatal drug overdose,  
15 including, but not limited to, drug users, jail and prison  
16 personnel, jail and prison inmates, drug treatment  
17 professionals, emergency medical personnel, hospital  
18 staff, families and associates of drug users, peace  
19 officers, firefighters, public safety officers, needle  
20 exchange program staff, and other persons. In addition to  
21 information regarding drug overdose prevention,  
22 recognition, and response, literature produced by the  
23 Department shall stress that drug use remains illegal and  
24 highly dangerous and that complete abstinence from illegal  
25 drug use is the healthiest choice. The literature shall  
26 provide information and resources for substance abuse

1 treatment.

2 The Director may establish or authorize programs for  
3 prescribing, dispensing, or distributing naloxone  
4 hydrochloride or any other similarly acting and equally  
5 safe drug approved by the U.S. Food and Drug Administration  
6 for the treatment of drug overdose. Such programs may  
7 include the prescribing of naloxone hydrochloride or any  
8 other similarly acting and equally safe drug approved by  
9 the U.S. Food and Drug Administration for the treatment of  
10 drug overdose to and education about administration by  
11 individuals who are not personally at risk of opioid  
12 overdose.

13 (2) The Director may provide advice to State and local  
14 officials on the growing drug overdose crisis, including  
15 the prevalence of drug overdose incidents, trends in drug  
16 overdose incidents, and solutions to the drug overdose  
17 crisis.

18 (c) Grants.

19 (1) The Director may award grants, in accordance with  
20 this subsection, to create or support local drug overdose  
21 prevention, recognition, and response projects. Local  
22 health departments, correctional institutions, hospitals,  
23 universities, community-based organizations, and  
24 faith-based organizations may apply to the Department for a  
25 grant under this subsection at the time and in the manner  
26 the Director prescribes.

1           (2) In awarding grants, the Director shall consider the  
2           necessity for overdose prevention projects in various  
3           settings and shall encourage all grant applicants to  
4           develop interventions that will be effective and viable in  
5           their local areas.

6           (3) The Director shall give preference for grants to  
7           proposals that, in addition to providing life-saving  
8           interventions and responses, provide information to drug  
9           users on how to access drug treatment or other strategies  
10          for abstaining from illegal drugs. The Director shall give  
11          preference to proposals that include one or more of the  
12          following elements:

13                 (A) Policies and projects to encourage persons,  
14                 including drug users, to call 911 when they witness a  
15                 potentially fatal drug overdose.

16                 (B) Drug overdose prevention, recognition, and  
17                 response education projects in drug treatment centers,  
18                 outreach programs, and other organizations that work  
19                 with, or have access to, drug users and their families  
20                 and communities.

21                 (C) Drug overdose recognition and response  
22                 training, including rescue breathing, in drug  
23                 treatment centers and for other organizations that  
24                 work with, or have access to, drug users and their  
25                 families and communities.

26                 (D) The production and distribution of targeted or

1 mass media materials on drug overdose prevention and  
2 response.

3 (E) Prescription and distribution of naloxone  
4 hydrochloride or any other similarly acting and  
5 equally safe drug approved by the U.S. Food and Drug  
6 Administration for the treatment of drug overdose.

7 (F) The institution of education and training  
8 projects on drug overdose response and treatment for  
9 emergency services and law enforcement personnel.

10 (G) A system of parent, family, and survivor  
11 education and mutual support groups.

12 (4) In addition to moneys appropriated by the General  
13 Assembly, the Director may seek grants from private  
14 foundations, the federal government, and other sources to  
15 fund the grants under this Section and to fund an  
16 evaluation of the programs supported by the grants.

17 (d) Health care professional prescription of drug overdose  
18 treatment medication.

19 (1) A health care professional who, acting in good  
20 faith, directly or by standing order, prescribes or  
21 dispenses an opioid antidote to a patient who, in the  
22 judgment of the health care professional, is capable of  
23 administering the drug in an emergency, shall not, as a  
24 result of his or her acts or omissions, be liable for civil  
25 damages, and shall not, as a result of his or her acts or  
26 omissions, be subject to disciplinary or other adverse

1 action under the Medical Practice Act of 1987, the  
2 Physician Assistant Practice Act of 1987, the Nurse  
3 Practice Act, the Pharmacy Practice Act, or any other  
4 professional licensing statute.

5 (2) A person who is not otherwise licensed to  
6 administer an opioid antidote may in an emergency  
7 administer ~~without fee~~ an opioid antidote if the person has  
8 received the patient information specified in paragraph  
9 (4) of this subsection and believes in good faith that  
10 another person is experiencing a drug overdose. The person  
11 shall not, as a result of his or her acts or omissions, be  
12 liable for civil damages, and shall not, as a result of his  
13 or her acts or omissions, be liable for any violation of  
14 the Medical Practice Act of 1987, the Physician Assistant  
15 Practice Act of 1987, the Nurse Practice Act, the Pharmacy  
16 Practice Act, or any other professional licensing statute,  
17 or subject to any criminal prosecution arising from or  
18 related to the unauthorized practice of medicine or the  
19 possession of an opioid antidote.

20 (3) A health care professional prescribing an opioid  
21 antidote to a patient shall ensure that the patient  
22 receives the patient information specified in paragraph  
23 (4) of this subsection. Patient information may be provided  
24 by the health care professional or a community-based  
25 organization, substance abuse program, or other  
26 organization with which the health care professional

1 establishes a written agreement that includes a  
2 description of how the organization will provide patient  
3 information, how employees or volunteers providing  
4 information will be trained, and standards for documenting  
5 the provision of patient information to patients.  
6 Provision of patient information shall be documented in the  
7 patient's medical record or through similar means as  
8 determined by agreement between the health care  
9 professional and the organization. The Director of the  
10 Division of Alcoholism and Substance Abuse, in  
11 consultation with statewide organizations representing  
12 physicians, advanced practice nurses, physician  
13 assistants, substance abuse programs, and other interested  
14 groups, shall develop and disseminate to health care  
15 professionals, community-based organizations, substance  
16 abuse programs, and other organizations training materials  
17 in video, electronic, or other formats to facilitate the  
18 provision of such patient information.

19 (4) For the purposes of this subsection:

20 "Opioid antidote" means naloxone hydrochloride or any  
21 other similarly acting and equally safe drug approved by  
22 the U.S. Food and Drug Administration for the treatment of  
23 drug overdose.

24 "Health care professional" means a physician licensed  
25 to practice medicine in all its branches, a physician  
26 assistant who has been delegated the prescription or

1 dispensation of an opioid antidote by his or her  
2 supervising physician, an advanced practice registered  
3 nurse who has a written collaborative agreement with a  
4 collaborating physician that authorizes the prescription  
5 or dispensation of an opioid antidote, or an advanced  
6 practice nurse who practices in a hospital or ambulatory  
7 surgical treatment center and possesses appropriate  
8 clinical privileges in accordance with the Nurse Practice  
9 Act.

10 "Patient" includes a person who is not at risk of  
11 opioid overdose but who, in the judgment of the physician,  
12 may be in a position to assist another individual during an  
13 overdose and who has received patient information as  
14 required in paragraph (2) of this subsection on the  
15 indications for and administration of an opioid antidote.

16 "Patient information" includes information provided to  
17 the patient on drug overdose prevention and recognition;  
18 how to perform rescue breathing and resuscitation; opioid  
19 antidote dosage and administration; the importance of  
20 calling 911; care for the overdose victim after  
21 administration of the overdose antidote; and other issues  
22 as necessary.

23 (Source: P.A. 96-361, eff. 1-1-10.)

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law.